

AJV:kaa 09/28/05 425385
PATENT

Attorney Reference Number 6541-59028-01
Application Number 09/989,311

Remarks

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks. Claims 17-22 and 37-42 are presently in the application. By this amendment, claims 17 and 38-40 are amended. Support for these amendments can be found in the specification at, for example, page 14, lines 16-21. Claims 43-45 are new. Support for new claim 43 can be found in the specification at, for example, page 9, lines 24-28. Support for new claim 44 can be found in the specification at, for example, page 13, lines 8-15. Support for new claim 45 can be found in the specification at, for example, page 4, line 28 – page 5, line 2; and page 15, lines 3-5 and 10-11. With entry of this amendment, claims 17-22 and 37-45 are in the application.

Rejections under 35 U.S.C. § 102

Claims 17-22 and 42 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Pat. No. 6,301,609 to Aravamudan et al. (Aravamudan). This rejection is respectfully traversed.

Amended claim 17 is directed to a messaging method, comprising in part:
evaluating application presence data associated with a recipient activity status record for an initiated application associated with [a] selected message type . . . wherein the status record is modified as a result of querying to determine if *the application has been recently accessed*.

Aravamudan does not teach or suggest such a method. Instead, Aravamudan teaches that the CPE device continuously monitors *for user interaction with a user interface* of the CPE device and relays changes in state with the server. Interaction with a CPE device may be detected via several alternative methods, such as detecting when a user is actively typing on a keyboard, or via a motion detector associated with a mobile device.

See col. 7, lines 49-55 (emphasis added). Thus, Aravamudan simply monitors for generic activity concerning the CPE device, but is silent concerning querying to determine if an initiated *application* has been recently accessed. For at least these reasons, claim 17 and dependent claims 18-22 and 42 are allowable over Aravamudan. The rejection should be withdrawn, and such action is respectfully requested.

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Rejections under 35 U.S.C. § 103

Claims 37-41 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over Aravamudan in view of U.S. Pat. No. 6,484,196 to Maurille (Maurille). This rejection is respectfully traversed.

As explained above, Aravamudan does not teach or suggest the method of claim 17. Maurille does not overcome the deficiencies of Aravamudan. Additionally, amended claim 38 recites that "the recipient activity status record *indicates* how recently the initiated application has been *accessed*." Amended claims 39 and 40 recite that "the recipient activity status record *indicates* how often the initiated application has been *accessed*." Maurille and Aravamudan are silent as to indicating either how recently or how often an application has been accessed. At most, Maurille teaches a record that shows the timestamp for a sent message. See, e.g., col. 15, lines 29-32. For at least these reasons, claims 37-41 are allowable over Aravamudan and Maurille. The rejection should be withdrawn, and such action is respectfully requested.

Conclusion

In view of the preceding amendments and remarks, all pending claims are in condition for allowance, and action to such end is requested. Should any issues remain, the Examiner is requested to call the undersigned attorney.

Respectfully submitted,

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